

To: Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Bachle, Laura[Bachle.Laura@epa.gov]
From: Dorka, Lilian
Sent: Fri 5/27/2016 5:56:38 PM
Subject: RE: 11R-14-R4 (REACH) Transcript from 05/11/2016 with Dr. Johnston

Thanks!

From: Farrell, Ericka
Sent: Friday, May 27, 2016 7:53 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>
Subject: 11R-14-R4 (REACH) Transcript from 05/11/2016 with Dr. Johnston

Good Morning Ladies,

Here is a copy of the transcript from the recording. A few misspellings of names and typos but it's pretty efficient.

Ericka

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Dorka, Lilian
Sent: Thur 5/12/2016 2:58:26 AM
Subject: Re: NC EJ Network Title VI Complaint: Supplement

Does not sound familiar but I will look tomorrow Jeryl to make sure.

Sent from my iPhone

On May 11, 2016, at 4:05 PM, Covington, Jeryl <Covington.Jeryl@epa.gov> wrote:

Thank you.

From: Golightly-Howell, Velveta
Sent: Wednesday, May 11, 2016 4:04 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: NC EJ Network Title VI Complaint: Supplement

Hi Jeryl and Lilian. I don't have any.

Velveta

From: Covington, Jeryl
Sent: Wednesday, May 11, 2016 4:02 PM
To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: FW: NC EJ Network Title VI Complaint: Supplement
Importance: High

Please check your emails to see if you were in receipt of the email listed below.

During our interview with Dr. Jill Johnston, Earthjustice alerted us that

supplementary updated information was submitted to OCR on April 12, 2016.

From: Alexis Andiman [<mailto:aandiman@earthjustice.org>]
Sent: Wednesday, May 11, 2016 3:36 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Alok Disa <adisa@earthjustice.org>; Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Subject: FW: NC EJ Network Title VI Complaint: Supplement

Please see our April 12 supplement to EPA File Number 11R-14-R4 below.

From: Marianne Engelman Lado
Sent: Tuesday, April 12, 2016 1:43 PM
To: Dorka, Lilian (Dorka.Lilian@epa.gov); Golightly-Howell, Velveta
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu); Alexis Andiman
Subject: NC EJ Network Title VI Complaint: Supplement

Subject: Record Supplement, 11R-14-R4

Dear Ms. Golightly-Howell and Ms. Dorka,

On behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, Earthjustice is submitting the attached documents to supplement the record in our September 3, 2014 complaint against the North Carolina Department of Environment and Natural Resources (now North Carolina Department of Environmental Quality), EPA File Number 11R-14-R4.

Please do not hesitate to contact me if you have any question.

I have spoken with Ms. Dorka recently about setting a time for the Office of Civil

Rights to interview **Ex. 6, 7(c)- Personal Privacy** whose report and declaration are included in this supplement. We have renewed this request multiple times over the last year. In order to move the process forward quickly, Ms. Dorka and I talked within the last two weeks about the possibility that I might offer some dates on which **Ex. 6, 7(c)- Personal Privacy** might be available. Unfortunately, **Ex. 6, 7(c)- Personal Privacy** We are hoping that **Ex. 6, 7(c)- Personal Privacy** and that we will be able to send some dates and will keep you posted.

I am cc'ing both Elizabeth Haddix from the UNC School of Law, Center for Civil Rights, and my colleague Alexis Andiman, who are both also representing complainants in this matter.

We will send a courtesy copy of this supplement in hard copy form.

Thank you,

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7393 (direct)
F: 212-918-1556
earthjustice.org

<image001.gif>

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If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.

To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Dorka, Lilian
Sent: Wed 7/15/2015 5:54:28 PM
Subject: FW: REACH - interview Dr Wing or not

Hi Velveta – did you ever receive this?

From: Dorka, Lilian
Sent: Tuesday, July 14, 2015 7:35 PM
To: Golightly-Howell, Velveta
Subject: RE: REACH - interview Dr Wing or not
Importance: High

Resending Velveta. Please let me know if you receive.

From: Dorka, Lilian
Sent: Tuesday, July 14, 2015 6:21 PM
To: Golightly-Howell, Velveta
Subject: REACH - interview Dr Wing or not
Importance: High

Ex. 5 - Deliberative Process

From: Golightly-Howell, Velveta
Sent: Wednesday, June 17, 2015 8:08 PM
To: Wooden-Aguilar, Helena
Cc: Dorka, Lilian; Matthew, Dayna
Subject: Re: REACH - Will on interview or not

Agreed. Velveta

Sent from my iPhone

On Jun 17, 2015, at 6:23 PM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

All

Ex. 5 - Deliberative Process

Thoughts?

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "O'Lone, Mary" <o'lane.mary@epa.gov>

Date: June 17, 2015 at 2:05:15 PM EDT

To: "Hall, William" <Hall.William@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>

Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>

Subject: REACH - Will on interview or not

Helena-

Ex. 5 - Atty Client/Deliberative Process

Let me know if you want to discuss it more. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Hall, William
Sent: Wednesday, June 17, 2015 7:53 AM
To: Wooden-Aguilar, Helena
Cc: O'Lone, Mary
Subject: Re: EPA File No.: 11R-14-r4

Things are indeed busy on my end, so apologies for the delay in responding.
I'm in an all-day meeting today, but will try to call you either early (before 8:45)
or around lunch.

Will

William E. Hall, Ph.D.
Conflict Prevention and Resolution Center
U.S. Environmental Protection Agency
"Making Agreement Easier" | (202) 564-0214
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

From: Wooden-Aguilar, Helena
Sent: Tuesday, June 16, 2015 7:50 PM
To: Hall, William
Cc: O'Lone, Mary
Subject: Re: EPA File No.: 11R-14-r4

Hey Will

I know you are swamped but wanted to put this on your radar to see if you had
any thoughts.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Jun 10, 2015, at 2:55 PM, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov> wrote:

Will –

I forgot to ask you whether you had any thoughts about Earthjustice's email below.

Thanks,

Helena

From: Wooden-Aguilar, Helena
Sent: Thursday, May 28, 2015 6:23 AM
To: Marianne Engelman Lado
Cc: Covington, Jeryl; Farrell, Ericka
Subject: Re: EPA File No.: 11R-14-r4

Hi Marianne

Thanks for your email. I have alerted the Director is your request and will get to you ASAP.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On May 27, 2015, at 1:10 PM, "Marianne Engelman Lado"
<mengelmanlado@earthjustice.org> wrote:

Dear Helena,

I'm writing with regard to EPA File No. 11R-14-R4, a complaint under Title VI of the Civil Rights Act of 1964 filed on behalf of the North Carolina Environmental Justice Network, REACH and the Waterkeeper Alliance, Inc. As you know, the case has been referred to alternative dispute resolution and we are pursuing this approach. We understand that EPA's investigation is put "on hold" during this process, see <http://www.epa.gov/civilrights/faq-adrt6.htm><http://www.epa.gov/civilrights/faq-adrt6.htm>, but complainants request that the Office of Civil Rights might interview Steve Wing in the interim given significant and extenuating circumstances.

As you know, **Ex. 6 - Personal Privacy** and one of his graduate students, **Ex. 6 - Personal Privacy** submitted a report and disproportionality analysis that was attached to the complaint. He is also an epidemiologist who has expertise on the impacts of CAFOs on people living and going to school in proximity to the facilities, and

also on the disproportionate impacts on the basis of race

Ex. 6 - Personal Privacy

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the summer. I am hopeful that you can accommodate his schedule and arrange an interview, even if the investigation is on hold.

I look forward to your response.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

<image001.gif>

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To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Dorka, Lilian
Sent: Tue 7/14/2015 11:34:53 PM
Subject: RE: REACH - interview Dr Wing or not

Resending Velveta. Please let me know if you receive.

From: Dorka, Lilian
Sent: Tuesday, July 14, 2015 6:21 PM
To: Golightly-Howell, Velveta
Subject: REACH - interview Dr Wing or not
Importance: High

Ex. 5 - Deliberative Process

From: Golightly-Howell, Velveta
Sent: Wednesday, June 17, 2015 8:08 PM
To: Wooden-Aguilar, Helena
Cc: Dorka, Lilian; Matthew, Dayna
Subject: Re: REACH - Will on interview or not

Agreed. Velveta

Sent from my iPhone

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Ex. 5 - Deliberative Process

Thoughts?

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Date: June 17, 2015 at 2:05:15 PM EDT

To: "Hall, William" <Hall.William@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>

Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>

Subject: REACH - Will on interview or not

Helena-

Ex. 5 - Atty Client/Deliberative Process

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Let me know if you want to discuss it more. Thanks, Mary

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Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Hall, William

Sent: Wednesday, June 17, 2015 7:53 AM

To: Wooden-Aguilar, Helena

Cc: O'Lone, Mary

Subject: Re: EPA File No.: 11R-14-r4

Things are indeed busy on my end, so apologies for the delay in responding.
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William E. Hall, Ph.D.
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<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

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Cc: O'Lone, Mary
Subject: Re: EPA File No.: 11R-14-r4

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Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Will –

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Thanks,

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Sent: Thursday, May 28, 2015 6:23 AM
To: Marianne Engelman Lado
Cc: Covington, Jeryl; Farrell, Ericka
Subject: Re: EPA File No.: 11R-14-r4

Hi Marianne

Thanks for your email. I have alerted the Director is your request and will get to you ASAP.

Thanks,

Helena

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To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
From: Dorka, Lilian
Sent: Tue 7/14/2015 10:21:17 PM
Subject: REACH - interview Dr Wing or not

Ex. 5 - Deliberative Process

From: Golightly-Howell, Velveta
Sent: Wednesday, June 17, 2015 8:08 PM
To: Wooden-Aguilar, Helena
Cc: Dorka, Lilian; Matthew, Dayna
Subject: Re: REACH - Will on interview or not

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Sent from my iPhone

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All

Ex. 5 - Deliberative Process

Thoughts?

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Date: June 17, 2015 at 2:05:15 PM EDT

To: "Hall, William" <Hall.William@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>

Cc: "Rhodes, Julia" <Rhodes.Julia@epa.gov>

Subject: REACH - Will on interview or not

Helena-

Ex. 5 - Attorney Client/ Deliberative

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Let me know if you want to discuss it more. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

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William E. Hall, Ph.D.
Conflict Prevention and Resolution Center
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Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Will –

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Thanks,

Helena

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Sent: Thursday, May 28, 2015 6:23 AM
To: Marianne Engelman Lado
Cc: Covington, Jeryl; Farrell, Ericka
Subject: Re: EPA File No.: 11R-14-r4

Hi Marianne

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Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Ex. 6 - Personal Privacy

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Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

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delete the message and any attachments.

To: Packard, Elise[Packard.Elise@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]
Cc: HALIM-CHESTNUT, NAIMA[Halim-Chestnut.Naima@epa.gov]; Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Bachle, Laura[Bachle.Laura@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: Dorka, Lilian
Sent: Tue 7/12/2016 9:15:39 PM
Subject: Finalized Acknowledgement Letters re: 37R-16-R4
[2016.07.12 van der Vaart, D re Acknowledgement 37R-16-R4.pdf](#)
[2016.07.12 Lado, ME re Acknowledgement 37R-16-R4.pdf](#)
[FINAL Letter to OCR re Intimidation 07 11 2016.pdf](#)

Hi Ken and Elise – wanted to let you know that we issued acknowledgement letters to Earthjustice today re the attached letter we received yesterday wishing to file a retaliation/intimidation complaint against NC DEQ. We are reviewing the letter but likely that we will accept the issue for investigation. We will share a draft and also a recommendation re whether we should join this allegation in with the existing Swine Operation case or leave as a separate complaint. Thanks and please let me know if you have any questions. Lilian

From: Veney, Carla

Location: 4045

Importance: Normal

Subject: Developing Next Steps in the Title VI REACH CAFOs Case

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Start Date/Time: Mon 10/17/2016 8:30:00 PM

End Date/Time: Mon 10/17/2016 9:30:00 PM

2016.10.17 Briefing ATT. C List of studies & reports 10.13.2016.docx

2016.10.17 Briefing ATT. B Impact from declarations 10.13.2016.docx

2016.10.17 Briefing ATT. A REACH complaint BACKGROUND timeline 10.13.2016.docx

2016.10.17 Agenda REACH & NC CAFOs mtg.docx

2016.10.17 Briefing paper Approach REACH & NC swine CAFOs 10.13.docx

2016.10.17 Briefing ATT. D 09 03 14 Complaint - Exhibit 2 - Wing comments on Gen permit (2013).pdf

From: Farrell, Ericka
Location: DCRoomARN2450T/DC-ARN-OCR-Rooms
Importance: Normal
Subject: REACH - Discussion (RFI)
Start Date/Time: Wed 4/27/2016 5:00:00 PM
End Date/Time: Wed 4/27/2016 5:30:00 PM
REACH draft RFI 3 25 2016 to DOJ with FCS comments mmo.doc

Changed to conference room 2450T inside the OCR main room. Dial in number

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

The focus will be on the drafted RFI. Here is the last version of the RFI with DOJ and CFRFLO comments.

To: Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; 'Gelman, Laurie (CRT)'[Laurie.Gelman@usdoj.gov]; Lareau, Alyssa (CRT)[Alyssa.Lareau@usdoj.gov]
Cc: Isales, Daniel[Isales.Daniel@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]
From: O'Lone, Mary
Sent: Mon 12/19/2016 11:33:03 PM
Subject: REACH - updated draft of proposed letter of concern
[draft Dec 2016 letter to NC DEQ 2016.12.19.docx](#)

All-

I am in through Wednesday of this week. My leave plans after that are in flux depending on what needs to be moved & when.

I will need to know from my EPA folks when you want this letter to go out – before or after the change of administration at NC DEQ.

Gov-Elect Cooper says he will take his oath **Jan. 1** and not wait for the public inauguration scheduled six days later.

If you want it out before Jan. 1st, I will need comments in the next day or 2 so I can turn around a revision for wider circulation to appropriate programs (e.g., ORD, OW) & R4 before it goes out to NC DEQ.

Thanks, Mary

To: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]; Lovett, Lauren[Lovett.Lauren@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/19/2014 2:42:40 PM
Subject: REACH (NC) Complaint - Update
2014 09 19 REACH 11R-14-R4 Acceptance Letter edited mmo.hewav3.doc

Velveta-

I am attaching a draft version of the jurisdictional letter for the REACH complaint (EPA File No. 11R-14-R4). The letter has been reviewed by myself, and the CRPG staff (Mary O'Lone and Julia Rhodes).

I believe senior leadership has asked to be kept in the loop and so I am assuming you may share this draft. I would like to advise that this draft be kept internal and alert senior leadership that DOJ has requested to meet about this complaint. I hope to have the DOJ meeting scheduled next week so we can continue to process this complaint. Finally, I am working to schedule the Title VI protocol meeting for this complaint. I am aiming for mid-October 2014.

Please let me know if you have any questions.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: O'Lone, Mary[OLone.Mary@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Lovett, Lauren[Lovett.Lauren@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/19/2014 2:36:14 PM
Subject: RE: For Legal Review - JR for EPA File No. 11R-14-R4 (REACH)
2014 09 19 REACH 11R-14-R4 Acceptance Letter edited mmo.hewav3.doc

Thanks Mary. Ericka has revised the letter and accepted your edits. I intend to send it to Velveta as draft.

I am also working to schedule a meeting next week with DOJ.

Helena

From: O'Lone, Mary
Sent: Thursday, September 18, 2014 12:08 PM
To: Wooden-Aguilar, Helena; Rhodes, Julia
Cc: Farrell, Ericka; Covington, Jeryl
Subject: RE: For Legal Review - JR for EPA File No. 11R-14-R4 (REACH)

Helena-

Here are my comments & Julia has reviewed them.

Also, I'd like to speak with you about the deletion of the map if you haven't already responded to the email making the request. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena

Sent: Tuesday, September 16, 2014 11:34 AM

To: Rhodes, Julia

Cc: O'Lone, Mary; Farrell, Ericka; Covington, Jeryl; Wooden-Aguilar, Helena

Subject: For Legal Review - JR for EPA File No. 11R-14-R4 (REACH)

Julia-

Enclosed is the program's draft JR letter for both the complainant and recipients. I have attached a copy of the complaint as an FYI. I would like to have a draft letter to Velveta (who has been asked to share a draft with our upper management) by day 15 of our process. Day 15 puts us around next week (next Friday) I believe. So your thoughts are appreciated. Ericka and Jeryl are the poc's on this case.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: Isales, Daniel[Isales.Daniel@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]
From: O'Lone, Mary
Sent: Tue 10/4/2016 9:29:53 PM
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Great. I will add my changes to this version.

Have a fun time.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel
Sent: Tuesday, October 04, 2016 5:29 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>
Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

I am in fact gone, but I was checking email one last time from home before I finish packing and getting ready. I incorporated Jeryl's comments (thank you Jeryl) and I agree that it should be shared with Lilian and whoever you think is appropriate in OGC. Talk to you in a week and a half. Take care, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: O'Lone, Mary

Sent: Tuesday, October 04, 2016 5:26 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>

Subject: RE: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Jeryl-

Dan is gone now. I have some additional comments that I told him about & said I would in. I will look at yours to & incorporate & recirculate soon.

I am not exactly sure what the next step is for this document.

Should we send it to Lilian for review?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Tuesday, October 04, 2016 5:19 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: 11R-14-R4 Revised INVESTIGATION PLAN 10032016.docx

Apologizes for my late review.

I have only one continued comment related to the phrasing "should ensure" as it relates to OCR's actions in the context of the design storm criteria.

To: Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: O'Lone, Mary
Sent: Mon 10/3/2016 8:52:51 PM
Subject: RE: 11R-14-R4 REACH Complaint Translation

I should have said the corrected Dr. Wing transcript.

The upshot of what I am trying to say is both corrected transcripts up on SharePoint.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Monday, October 03, 2016 4:51 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: RE: 11R-14-R4 REACH Complaint Translation

That is great. Thanks so much.

It would be a good idea to post that transcript & the corrected Johnston transcript up on the SharePoint site.

Mary O'Lone

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To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>;
Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: RE: 11R-14-R4 REACH Complaint Translation

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I don't think that it is worth any more of our collective time editing these further. I believe it is in good enough shape for us to use it as a reference as we investigate the case. I don't think additional time would greatly increase the quality of the product.

If you have any questions or concerns, just let me know. Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center
701 Mapes Road
Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Farrell, Ericka
Sent: Thursday, September 29, 2016 9:12 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>;
Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: FW: 11R-14-R4 REACH Complaint Translation

Here is the email I sent the interns with the recordings from the conference line.

Ericka Farrell

202-564-0717

From: Farrell, Ericka
Sent: Thursday, June 09, 2016 1:19 PM
To: Adjei-Bohyen, Kwaku <adjei-bohyen.kwaku@epa.gov>; Lofthouse, Jeremy
<lofthouse.jeremy@epa.gov>
Cc: Stein, Jonathan <Stein.Jonathan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>;
Bachle, Laura <Bachle.Laura@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: 11R-14-R4 REACH Complaint Translation

Good Afternoon Jeremy and Kwaku,

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Jeremy you will review Dr. Jill Johnston interview and recording. The recording for Dr. Johnston is labeled with the date 05 11 2016.

Kwaku you will review Dr. Steve Wing interview and recording. The recording for Dr. Wing is labeled 06 07 2017.

I have attached the interviews and recordings.

Thank you.

Ericka

To: Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: O'Lone, Mary
Sent: Mon 10/3/2016 8:51:15 PM
Subject: RE: 11R-14-R4 REACH Complaint Translation

That is great. Thanks so much.

It would be a good idea to post that transcript & the corrected Johnston transcript up on the SharePoint site.

Mary O'Lone

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Isales.daniel@epa.gov

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Sent: Thursday, September 29, 2016 9:12 AM

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Subject: FW: 11R-14-R4 REACH Complaint Translation

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Sent: Thursday, June 09, 2016 1:19 PM

To: Adjei-Bohyen, Kwaku <adjei-bohyen.kwaku@epa.gov>; Lofthouse, Jeremy <lofthouse.jeremy@epa.gov>

Cc: Stein, Jonathan <Stein.Jonathan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

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I have attached the interviews and recordings.

Thank you.

Ericka

To: Farrell, Ericka[Farrell.Ericka@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Isales, Daniel
Sent: Mon 10/3/2016 8:36:18 PM
Subject: RE: 11R-14-R4 REACH Complaint Translation
11R-14-R4 Transcript from interview with Dr Johnston 05112016 dli.docx

Attached is the revised transcript for the interview with Dr. Johnston. I took the original pdf transcript and converted to plain text. From there I saved it as a Word document. I made a substantial number of corrections and was as careful as possible, but I'm certain there will still be mistakes. With that said, I think a number of statements will make much more sense now.

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Sent: Thursday, September 29, 2016 9:12 AM

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Kwaku you will review Dr. Steve Wing interview and recording. The recording for Dr. Wing is labeled 06 07 2017.

I have attached the interviews and recordings.

Thank you.

Ericka

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Isales, Daniel
Sent: Mon 10/3/2016 6:32:36 PM
Subject: RE: REACH - request to set up call with R4 water folks

Ericka,

Very much appreciated, thank you. Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Farrell, Ericka
Sent: Monday, October 03, 2016 2:32 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>;
Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Yes we can.

Ericka Farrell

202-564-0717

From: Isales, Daniel

Sent: Monday, October 03, 2016 2:31 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Don't mean to avoid work, but Ericka or Jeryl, could you take the lead on this? I'm out of the office for a week and a half starting this Wednesday and if things have to be moved around once the initial invitation goes out, I won't be available to manage (I will not have computer access during my absence). Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: O'Lone, Mary

Sent: Monday, October 03, 2016 2:27 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>

Subject: FW: REACH - request to set up call with R4 water folks

Dan, Ericka, or Jeryl-

Can you all set up this meeting about what the Region is currently doing in NC for us?

As far as the OAQPS person, I don't know if we include him b/c he isn't R4. Maybe we set up something separate with OAR to talk with him. What do you think?

Thanks, Mary

(P.S. I cannot believe she misspelled Dan's last name. Turns out he is my second cousin.)

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Monday, October 03, 2016 1:13 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Mary:

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

Ex. 5 - Deliberative/Attorney-Client

Let me know date/times for the VTC.

Thanks

Nancy



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 4:28 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative/Attorney-Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Wednesday, September 14, 2016 3:52 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Mary: would be on this call from HQ? and is this the call that Lilian wanted to have with our Division Director level people?



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 3:00 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative/Attorney-Client

Let me know if I should send out and invite & to whom I should send it. Or if you want to set it up. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Temple, Kurt[Temple.Kurt@epa.gov]
From: Isales, Daniel
Sent: Mon 10/3/2016 6:30:33 PM
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Dan, Ericka, or Jeryl-

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(P.S. I cannot believe she misspelled Dan's last name. Turns out he is my second cousin.)

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Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Monday, October 03, 2016 1:13 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Mary:

Ex. 5 - Deliberative/Attorney-Client

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Thanks

Nancy



Nancy L. Tommelleo

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United States Environmental Protection Agency

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Ex. 5 - Deliberative/Attorney-Client

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Nancy



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 4:28 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative/Attorney-Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy

Sent: Wednesday, September 14, 2016 3:52 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Mary: would be on this call from HQ? and is this the call that Lilian wanted to have with our Division Director level people?



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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 3:00 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative/Attorney-Client

Let me know if I should send out and invite & to whom I should send it. Or if you want to set it up. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Temple, Kurt[Temple.Kurt@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Shenkman, Ethan[Shenkman.Ethan@epa.gov]; Prabhu, Aditi[Prabhu.Aditi@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Thur 9/29/2016 2:54:46 PM
Subject: RE: REACH - draft response to NC DEQ's request for dismissal
[draft response to NC DEQ dismissal request 2016 9-29-16.docx](#)

Lilian-

I briefed Avi yesterday afternoon on the contents of the letter. He was comfortable with the bases for the rejection of NC DEQ's request. Ethan had a chance to review the letter and has suggested some edits. I took care of the more minor edits, but have left his remaining proposed edits for you in track changes.

Although I know it was your plan anyway, I want to mention that Avi wanted to make sure that he, the Administrator, & OPA would get a heads up before the letter goes out.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian

Sent: Wednesday, September 28, 2016 9:27 PM

To: Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>

Subject: Re: REACH - draft response to NC DEQ's request for dismissal

Will do Ken, thank you!

Sent from my iPhone

On Sep 28, 2016, at 8:30 PM, Lapierre, Kenneth <Lapierre.Kenneth@epa.gov> wrote:

Lilian,

No comments from R4. Please let us know when it goes out.

Thanks--Ken

Kenneth R. Lapierre

Acting Deputy Regional Administrator

U.S. EPA Region 4

(404) 562-8570

From: O'Lone, Mary

Sent: Wednesday, September 28, 2016 2:01 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>

Subject: RE: REACH - draft response to NC DEQ's request for dismissal

Lilian-

I have accepted all the changes you suggested and we corrected a few typos. Here is a clean draft. I will be conferring with my chain & will let them know you would like to get it out ASAP.

Also, the only cc on the incoming from Mr. Hays was Director van der Vaart. I did not find a press release on the letter so I am not sure how it got out in the public domain for Elizabeth Haddix to comment on it in the press.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian

Sent: Wednesday, September 28, 2016 12:40 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>; HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>

Subject: RE: REACH - draft response to NC DEQ's request for dismissal

Importance: High

Hi all – Just getting back from a meeting and I realized I had meant to copy Ken on this but forgot to do that. So, resending and copying our Region 4 colleagues. Thanks!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Dorka, Lilian

Sent: Wednesday, September 28, 2016 9:43 AM

To: O'Lone, Mary <olone.mary@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>;

Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>;
Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: REACH - draft response to NC DEQ's request for dismissal
Importance: High

Ex. 5 - Deliberative/Attorney-Client

Thanks again for drafting this! Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: O'Lone, Mary

Sent: Friday, September 23, 2016 5:28 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>;

Isales, Daniel <Isales.Daniel@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>;

Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>;

Shenkman, Ethan <Shenkman.Ethan@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>;

Packard, Elise <Packard.Elise@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: REACH - draft response to NC DEQ's request for dismissal

Lilian-

Adam & I have drafted a proposed response to NC DEQ along the lines that you & I

discussed on Monday morning. Dan has taken a peek at it as well. We have left a spot to put in questions or a request for documents if we choose to include some in the letter. The Team will be sending suggestions to Dan on Monday morning on which items from the draft RFI they'd propose if we use.

I have included the incoming from NC DEQ for your reference.

Ethan asked to have a chance to take a look at the draft, so I have cc'd him on this. What I can't recall is whether Avi said he wanted to see it before it went out as well.

Ethan – Do you recall?

Let me know if you have any questions or comments.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Johnson, Johahna[Johnson.Johahna@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Elizabeth McLaughlin Haddix[emclaugh@email.unc.edu]; Ducharme, Brent[ducharme@email.unc.edu]; Alexis Andiman[aandiman@earthjustice.org]
From: Marianne Engelman Lado
Sent: Thur 7/21/2016 10:47:30 PM
Subject: RE: Follow up to interviews on REACH complaint

Dear Mary:

This email is in response to the question whether Complainants sent a copy of the September 3, 2014 Title VI complaint and all the exhibits including the Wing/Johnston 2014 disparity study to DEQ (# 7, below, in your email dated June 14, 2016).

As a courtesy, Complainants sent DEQ a copy of the complaint and exhibits. As OCR records may reflect, DEQ personnel (Christine Lawson and Tom Reeder) were cc'd on the email to OCR transmitting the complaint. Complainants subsequently sent a replacement copy of the complaint and exhibits, with the request that DEQ dispose of the originals that had mistakenly included confidential information.

Complainants have also sent DEQ copies of responses to the requests for "intervention" submitted by the National Pork Producers Council and North Carolina Pork Council, as well as the Complaint raising a claim of intimidation, filed July 11, 2016.

It is our understanding, however, that OCR is gathering information from Complainants, the recipient, and perhaps third parties, much of which OCR does not make available to Complainants. Though we have sent Complaints alleging violations of law to the recipient as a courtesy, we have not sent DEQ additional factual information, such as the supplementary documentation that Complainants submitted to OCR on April 12, 2016.

Sincerely,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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From: Johnson, Johanna [mailto:Johnson.Johanna@epa.gov]

Sent: Thursday, June 23, 2016 9:50 AM

To: Alexis Andiman; O'Lone, Mary

Cc: Covington, Jeryl; Farrell, Ericka; Elizabeth McLaughlin Haddix; Ducharme, Brent; Marianne Engelman Lado

Subject: RE: Follow up to interviews on REACH complaint

Hi Alexis,

Thank you for these materials. We will be sure to let you know if we have any further questions.

Thanks again,

Johahna Johnson

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-6119

From: Alexis Andiman [<mailto:aandiman@earthjustice.org>]

Sent: Wednesday, June 22, 2016 6:55 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Elizabeth McLaughlin Haddix <emclaugh@email.unc.edu>; Ducharme, Brent <ducharme@email.unc.edu>; Marianne Engelman Lado <mengelmanlado@earthjustice.org>

Subject: RE: Follow up to interviews on REACH complaint

Dear Mary,

This email serves as a partial response to your email of June 14, 2016 in follow up to interviews with

Ex. 6 - Personal Privacy Specifically, please find materials responsive to requests 2, 4, 5 and 6.

With respect to Request #2, Marianne and I asked **Ex. 6 - Personal Privacy** to review specific paragraphs of the September 3, 2014 federal civil rights complaint filed by NCEJN, REACH and Waterkeeper Alliance.

As you know, your email asked Ex. 6 - Personal Privacy to confirm whether particular paragraphs in the September 3, 2014 Title VI complaint “accurately describe the results in Ex. 6 - Personal Privacy revised study dated October 19, 2015 that was submitted on April 12, 2016.” Please note that the complaint does not reflect the October 19, 2015 revised disparity analysis, because Ex. 6 - Personal Privacy prepared that revised analysis after the complaint was submitted. However, Ex. 6 - Personal Privacy confirmed that the paragraphs you flagged – with a few minor exceptions discussed below – accurately reflect the *original* August 29, 2014 disparity analysis. In addition, although individual numbers changed between 2014 and 2015, Dr. Johnston confirmed that the conclusions of the revised analysis are consistent with allegations presented in the complaint.

Below please find a chart summarizing Ex. 6 - Personal Privacy assessment of whether specific allegations accurately reflect the original 2014 disparity analysis, (2) a citation to the relevant portion of the 2015 revised analysis, and (3) Dr. Johnston’s assessment of whether the revised analysis supports the conclusion at issue.

Paragraph	Accurately Reflects 2014 Analysis?	Citation to Revised Complaint	Consistent w/ 2015 Analysis?
131	Yes, with the exception that Table 3 reports the proportions of Latinos living within 3 miles of an industrial swine facility are 1.38 – not 1.39 – higher than the proportion of non-Hispanic whites. This change does not affect the conclusion that the disparities are statistically significant.	Text: pp. 5–6; Table 3 (p. 14)	Yes
	Please note also that footnote 106 contains an omission. The second sentence should read: “... the Black racial category referred to those who identified as African American or black with or without any other race...” The words “with or” were mistakenly omitted.		
132	Yes, with the exception that the paragraph	Text: p. 6	Yes

	incorrectly references Table 2. This change does not affect the conclusion that the disparities are statistically significant.	No table	
133	Yes	Text: p. 7;	Yes
134	Yes.	Figure 1 (p. 11) Text: pp. 6–7;	Yes
139	Yes	Table 7 (p. 15) Text: pp. 5–6;	Yes
140	Yes, with the exception that the paragraph incorrectly references Table 2.	Table 3 (p. 13) Text: p. 6; No table	Yes
141	Yes	Text: pp. 5–6	Yes
142	Yes, with the caveat that Table 2 applies only to the study area. This change does not affect the conclusion that the disparities are statistically significant.	Text: pp. 5–6; Table 2 (p. 13)	Yes
143	Yes	Text: p. 6;	Yes
144	Yes	Table 6 (p. 15) Text: p. 6;	Yes
145	Yes	Table 5 (p. 14) Text: p. 7;	Yes
147	Yes, with the exception that Table 3 reports the proportions of Latinos living within 3 miles of an industrial swine facility are 1.38 – not 1.39 – higher than the proportion of non-Hispanic whites.	Table 8, 9 (p. 16) Text: pp. 5–6; Table 3 (p. 13)	Yes
148	Yes, with the exception that the paragraph incorrectly references Table 2.	Text: p. 6 No table	Yes

149	Yes	Text: p. 6	Yes
150	Yes	Table 2 (p. 13)	Yes
151	Yes	Text: p.6;	Yes
152	Yes	Table 6 (p. 15) Text: p. 7	Yes
154	Yes	Table 9 (p. 16) Text: pp. 5–6;	Yes
155	Yes, with the exception that the paragraph incorrectly references Table 2.	Table 3 (p. 13) Text: p. 6; No table	Yes
156	Yes	Text: p. 6	Yes
157	Yes	Table 2 (p. 13)	Yes
158	Yes	Text: p. 6;	Yes
159	Yes	Table 6 (p. 15) Text: p. 7; Table 9 (p. 16)	Yes

Next, please find a copy of Jill E. Johnston et al., *Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas*, 106 Am. J. Pub. Health 550 (2016) (Partial response to Request #4).

Please also find a copy of Dr. Wing’s article *Social Responsibility and Research Ethics in Community-Driven Studies of Industrialized Hog Production*, concerning his experience in the aftermath of his presentation of research to the state House Agriculture Committee (Response to Request #5), as well as the adjusted geographic coordinates used for the October 19, 2015 disparity study (Response to Request #6). Drs. Wing and Johnston confirmed that the 13 facilities with custom geographies all have notes in the file, so you should be able to find the rationale by sorting the note field.

Please feel free to let us know if these materials raise any further question. We are continuing to gather information responsive to your requests and will follow up as soon as possible.

Sincerely,

Alexis

Alexis Andiman

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7394 (direct)
F: 212-918-1556
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delete the message and any attachments.

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]

Sent: Tuesday, June 14, 2016 11:24 PM

To: Marianne Engelman Lado

Cc: Johnson, Johanna; Covington, Jeryl; Farrell, Ericka; Alexis Andiman; Elizabeth McLaughlin Haddix; Ducharme, Brent; Dorka, Lilian

Subject: Follow up to interviews on REACH complaint

Marianne,

Thank you again for arranging the interviews with both Ex. 6 - Personal Privacy We appreciate their willingness to spend the time to explain their work. We wanted to follow up on a few items that were discussed during those interviews.

Follow-up to the [Ex. 6 - Personal Privacy] interview:

1. To the extent there is a statement in the September 3, 2014 Title VI complaint derived from population information or tables not displayed in the study or the complaint, please provide us that supporting information. For example, paragraphs 132, 148, and others may rely on statewide data not provided.
2. OCR would like [Ex. 6 - Personal Privacy] to confirm whether paragraphs 131, 132, 133, 134, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, and 159 in the September 3, 2014 Title VI complaint accurately describe the results in [Ex. 6 - Personal Privacy] [Ex. 6 - Personal Privacy] revised study dated October 19, 2015 that was submitted on April 12, 2016. If not, please provide an accurate re-statement of any paragraphs that are no longer accurate.
3. Elizabeth offered to reach out to NC Policy Watch to determine whether they received any critiques or feedback concerning the 2014 [Ex. 6 - Personal Privacy] disparity study. Has she been able to reach out? If so, what was the outcome?
4. [Ex. 6 - Personal Privacy] offered to send in the publication and the critiques and copies of any feedback that may have come in related to her recently published oil and gas study that used the same methodology as the October 19, 2015 disparity study. Has she had a chance to gather this information?

Follow-up to the [Ex. 6 - Personal Privacy] Interview:

5. [Ex. 6 - Personal Privacy] offered to send his article concerning his experience of presenting his research before the North Carolina House Agriculture Committee.
6. [Ex. 6 - Personal Privacy] stated that he would provide the adjusted geographic coordinates used for the October 19, 2015 disparity study, any information describing specific changes made to NC DEQ coordinates and the reasons for those changes.
7. You indicated that you would check to confirm whether NC DEQ was sent a copy of the September 3, 2014 Title VI complaint and all the exhibits including the [Ex. 6 - Personal Privacy] 2014 disparity study.
8. You indicated that you would provide dates of Environmental Justice summit meetings and whether DEQ attended.
9. You or Elizabeth was going to inquire about [Ex. 6 - Personal Privacy] statement that odors seep into her house "even when the windows are shut as the Health Department has advised." Have you been able to obtain any additional information as to what Health Department advisory she is referring?

I also wanted to let you know that I will be out of the office until July 13. In addition to Ericka Farrell and Jeryl Covington, please make sure to copy Johahna Johnson on any emails you may send regarding this complaint during my absence.

Thanks so much, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992